

COMPLAINT AND DEMAND FOR A JURY TRIAL

I. JURISDICTION

1. This is an action under the Federal Civil Rights Act, 42 U.S.C. Sections 1983 and 1988. The Court has jurisdiction pursuant to 28 U.S.C. Sections 1331 and 1343. The plaintiff further invokes the pendent jurisdiction of this Court to consider the claims arising under state law sounding in tort, the Massachusetts Tort Claim Act, M.G.L. Chapter 258, Section 4, and the Declaration of Rights of the Massachusetts Constitution.
2. There exists between the parties an actual controversy justiciable in nature.

II. PARTIES

3. The plaintiff, MATTHEW J. NATLE, has at all times relevant to the allegations of this Complaint been a resident of the Town of Shutesbury, Franklin County, in the Commonwealth of Massachusetts.
4. The defendant, DENNIS O'CONNOR, has at all times relevant to the allegations of this Complaint been a police officer, acting under color of law as an agent/employee for the City of Springfield Police Department, Hampden County, in the Commonwealth of Massachusetts.
5. The defendant, STEVEN BARKER, has at all times relevant to the allegations of this Complaint been a police officer, acting under color of law as an agent/employee for the City of Springfield Police Department, Hampden County, in the Commonwealth of Massachusetts.
6. The defendant, DANIEL LEON-RESTO, has at all times relevant to the allegations of this Complaint been a police officer, acting under color of law as an agent/employee for the

City of Springfield Police Department, Hampden County, in the Commonwealth of Massachusetts.

7. The defendant, PAULA MEARA, has at all times relevant to the allegations of this Complaint been the Chief of Police, acting under color of law, as an agent/employee for the City of Springfield Police Department, Hampden County, in the Commonwealth of Massachusetts. In her capacity as Chief of Police, PAULA MEARA, is the principal law enforcement administrator for the City of Springfield, and, as such, is at all times relevant to the allegations of this Complaint, responsible for the practices, customs and policies of the City of Springfield Police Department and all of its individual members, including adequate training, supervising, investigating, and disciplining of police officers and other police supervisory officials.
8. The defendant, CITY OF SPRINGFIELD, has at all times relevant to the allegations of this Complaint been a Municipal Corporation duly established under the laws of the Commonwealth of Massachusetts. The City of Springfield, through its officers, employees and/or agents, was at all times responsible for the practices, customs and policies of the City of Springfield Police Department and all of its individual members including adequate training, supervising, investigating and disciplining of the police officers.

III. STATEMENT OF FACTS

9. Matthew Natle was a Criminal Justice student at American International College in Springfield, MA at the time of the incident.

10. On April 12, 2002, plaintiff Matthew Natle was in Springfield, MA with a friend when he discovered that his friend's vehicle had been towed.
11. Since both the plaintiff and his friend had locked their cell phones in the vehicle, the plaintiff jogged up to a nearby Springfield Police cruiser, waved to the officer, and beckoned him to stop.
12. The police cruiser turned right onto Lyman Street, stopped, and the officer rolled down his window.
13. The plaintiff walked over to the cruiser and stated, "Hello, officer, how are you doing."
14. In response, defendant Officer Dennis O'Connor stated, "I'm good, what's the problem?"
15. At this, the plaintiff explained to defendant Officer O'Connor that his friend's vehicle had been towed, and that their cell phones were in the vehicle.
16. The plaintiff then asked defendant Officer O'Connor where the vehicle had been towed.
17. In response, defendant Officer O'Connor replied in an agitated manner that, "CJ towing would be the place."
18. The plaintiff then asked, "Do you by any chance have a phone in your car that we could use to call over there?"
19. Defendant Officer O'Connor replied, "No, I don't have a phone. We don't deal with towing."
20. At this point, the plaintiff was taken by surprise, and was bewildered that a police officer would not have a means of communication to help citizens with their problems, and as a result asked, "You don't have a cell phone?"
21. At this, defendant Officer O'Connor stated, "Are you calling me a Fucking Liar?!"

22. Defendant Officer O'Connor then called into his radio, and swung open his cruiser door, striking the plaintiff and causing him to stumble backwards.
23. By this point, the plaintiff could see in defendant Officer O'Connor's eyes that something was clearly wrong.
24. The plaintiff could barely utter the words, "What do you mean...", when defendant Officer O'Connor charged at the plaintiff with two hands, and forcefully pushed him in the face.
25. The plaintiff was in shock, and pleaded, "What are you doing? I didn't even do anything..." The plaintiff's pleas went unanswered.
26. Defendant Officer O'Connor then yelled at the plaintiff to, "Get on the ground!" The plaintiff was in utter disbelief; afraid of what might happen if he did not listen to defendant Officer O'Connor.
27. The plaintiff repeated again, "I didn't even do anything," and repeatedly pleaded with the officer to "Relax."
28. The plaintiff's heart sped up and he was paralyzed with fear, as he wondered, why he was being attacked, and what defendant Officer O'Connor was going to do to him.
29. Defendant Officer O'Connor then charged at the plaintiff again, this time pushing him into the brick wall of the building that was behind him. The plaintiff felt helpless.
30. At this point in time, another cruiser arrived at the scene so swiftly that it struck a lamp post which was close to the plaintiff.
31. Defendant Officers Steven Barker and Daniel Leon-Resto immediately alighted from the cruiser.

32. The two defendant officers immediately grabbed the plaintiff and shoved him onto the hood of the first cruiser.
33. As the plaintiff was being shoved onto the cruiser, defendant Officer O'Connor struck him with a closed right fist on his face.
34. The plaintiff was struck with such force that his eye was cut. [Within a short period, his eye partially closed up from the swelling].
35. After the plaintiff was punched, he continued to plead with the three defendant officers to "Relax."
36. The plaintiff was then pushed onto the ground, cuffed, and placed into the second cruiser.
37. Once the plaintiff was inside the cruiser, one of the defendant officers opened the door to the cruiser, and asked the plaintiff, "So you want to hit my superior officer?"
38. In response, the plaintiff stated, "I didn't hit anybody. I don't even know why I'm in here."
39. The defendant officer paused for a second, punched the plaintiff in the temple, and then got out of the cruiser.
40. In complete and utter fear, the plaintiff remained silent until he arrived at the Springfield Police Station.
41. Upon his arrival at the station,¹ one of the defendant officers muttered to the plaintiff to keep his mouth shut and that everything would be fine.

¹ While the plaintiff was being transported to the police station, a witness called 911 from a public pay phone to report the police abuse by the defendant police officers. The following day, the witness went to the Internal Affairs Department at the Springfield Police Department in order to file a formal citizen complaint. The witness never received any response to the citizen complaint, nor was contacted in any way after the citizen complaint was filed.

42. The plaintiff was then booked. During the booking process, the plaintiff was asked if he wanted to go to the hospital, to which he responded, "Yes."
43. The plaintiff, who was shackled and handcuffed, was then walked out to the garage in his socks.
44. The plaintiff asked for his coat. In reply, one of the defendant officers stated that he was going to the hospital without shoes or a coat.
45. The defendant officers then began to persuade the plaintiff *not* to go to the hospital, by stating that if he went to the hospital, he would have to remain in the jail cell until court the following morning. As a result, the plaintiff was persuaded not to go to the hospital.
46. **While at the police station, the plaintiff filed a formal citizen complaint detailing the abusive conduct by the three defendant police officers. The plaintiff never received any response to the citizen complaint, nor was contacted in any way after the citizen complaint was filed.**
47. At approximately 3:30 AM, the plaintiff's mother arrived at the Springfield Police Station to pay the bail.
48. Notwithstanding, defendant Officer O'Connor told the plaintiff that he could not be bailed, because his report was not complete.
49. As a result, the plaintiff's mother sat waiting in her vehicle from 4:00 AM until 12:00 PM the following day when he got out of court.
50. The plaintiff was charged with Disorderly Conduct, Resisting Arrest, and Assault and Battery on a Police Officer.

51. **At the bench trial held on January 5, 2004, the Judge specifically held that defendant Officer O'Connor *"had absolutely no reason to arrest Mr. Natle...he had no basis for any arrest."***
52. **At the bench trial, the plaintiff was found Not Guilty of all charges.**
53. As a result of the illegal arrest and imprisonment, assault and battery, use of excessive force, and subsequent on-going malicious prosecution, the plaintiff suffered severe and extreme emotional distress and mental anguish, public humiliation and embarrassment, physical injuries, pain and suffering, loss of enjoyment of life, and other related expenses and damages.
54. In addition to the negligent acts and/or intentional torts described above, the deprivation of the plaintiff's rights were directly and proximately caused by the negligent failure of the Springfield Police Department to adequately screen, test, train, supervise, investigate and discipline its police officers to the extent that this custom and practice and acquiescence of supervisory officials resulted in an unconstitutional policy.
55. Further, as a result of these unconstitutional and negligent acts, the plaintiff suffered damages.
56. On information and belief, defendant Police Officers O'Connor, Barker and Leon-Resto attended the police academy and received initial training in the laws of arrest and detention, the laws of the use of force, the laws of criminal prosecution, and the constitutional rights of citizens [including the First Amendment]. They knew or should have known that they violated the First, Fourth and Fourteenth Amendments, and otherwise denied the constitutional and statutory rights of the plaintiff.

57. On information and belief, on occasions prior to the incident alleged in the preceding paragraphs, defendants Chief of Police Paula Meara and the City of Springfield through its officers and/or agents knew or should have known that Springfield police officers illegally arrested and imprisoned, used excessive force, engaged in cover-ups, verbally abused and harassed, and otherwise denied the statutory rights of citizens.
58. On information and belief, defendants Chief of Police Paula Meara and the City of Springfield through its officers and/or agents, failed to adequately train, investigate, supervise, and discipline the police personnel employed by the City of Springfield Police Department.
59. On information and belief, defendants Chief of Police Paula Meara and the City of Springfield through its officers and/or agents, failed to adequately train the police officers employed by the Springfield Police Department subsequent to initial police academy training regarding the laws of arrest, the laws of the use of force, the laws pertaining to probable cause to arrest and prosecute, constitutional rights of citizens, and civil liability of police officers.
60. The acts of defendant Police Officers O'Connor, Barker and Leon-Resto, defendant Chief of Police Paula Meara and the defendant City of Springfield are grossly negligent amounting to deliberate indifference to the rights of citizens who the police come into contact with, or negligent at the very least.
61. On April 8, 2004, the plaintiff sent a Notice/Demand letter pursuant to M.G.L. Chapter 258 to the appropriate Town of Springfield officials. More than six months have passed since the receipt of this notice. The appropriate Town of Springfield officials have failed

to reply to said Notice/Demand.

IV. CAUSES OF ACTION

COUNT I: ILLEGAL ARREST AND UNLAWFUL IMPRISONMENT

62. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 61 of this Complaint as though fully set forth herein.
63. As a direct and proximate result of the malicious, wanton and wilful acts of defendant Police Officers O'Connor, Barker and Leon-Resto, acting under color of law, plaintiff Matthew J. Natle, was intentionally and unlawfully arrested and confined without his consent and without probable cause, and thereby was deprived of rights guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution and the Declaration of Rights of the Massachusetts Constitution. The plaintiff was also damaged in his reputation, embarrassed, prevented from engaging in his usual activities, and caused to endure pain, suffering and mental anguish.
64. The plaintiff is thereby entitled to damages under the Fourth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. Sections 1983 and 1988, the Declaration of Rights of the Massachusetts Constitution, M.G.L. Chapter 12, Section 11I, and under Massachusetts common law for false arrest and false imprisonment.

COUNT II: EXCESSIVE FORCE, HARASSMENT AND INTIMIDATION

65. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 61 of this Complaint as though fully set forth herein.
66. As a direct and proximate result of the reckless, grossly negligent, malicious, wanton and/or willful acts of defendant Police Officers O'Connor, Barker and Leon-Resto, acting under color of law, the defendants by their use of excessive, illegal and unjustified force in making an arrest, deprived plaintiff Matthew J. Natle of his rights, privileges and immunities as guaranteed by the United States Constitution, as follows:
- a. the plaintiff was deprived of his rights to be free of physical abuse, coercion and intimidation in violation of the First, Fourth and Fourteenth Amendments to the United States Constitution;
 - b. the plaintiff was deprived of his rights to be free from summary punishment as guaranteed by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution; and
 - c. the plaintiff was deprived of his rights to due process of law, in violation of the Fifth and Fourteenth Amendments to the United States Constitution.
67. The plaintiff is thereby entitled to damages under the United States Constitution, 42 U.S.C. Sections 1983 and 1988, the Declaration of Rights of the Massachusetts Constitution, and M.G.L. Chapter 12, Section 11I.

COUNT III: MALICIOUS PROSECUTION

68. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 61 of this Complaint as though fully set forth herein.
69. By arresting the plaintiff and initiating criminal proceedings against him, in retaliation for his exercise of First Amendment Constitutional Rights, with malice and without probable cause to do so, and with the plaintiff receiving a favorable determination of the criminal complaints against him, defendant Police Officers O'Connor, Barker and Leon-Resto have engaged in malicious prosecution of the plaintiff in violation of the due process and equal protection clauses of the Fifth and Fourteenth Amendments of the United States Constitution and Part I of the Massachusetts Constitution.
70. The plaintiff is thereby entitled to damages and equitable relief under the Fifth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. Sections 1983 and 1988, the Declaration of Rights of the Massachusetts Constitution, M.G.L. Chapter 12, Section 11I, and other state common laws against malicious prosecution.

COUNT IV: ASSAULT AND BATTERY

71. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 61 of this Complaint as though fully set forth herein.
72. Defendant Police Officers O'Connor, Barker and Leon-Resto did unlawfully commit an assault and battery against the plaintiff Matthew J. Natle in violation of Massachusetts common law.

COUNT V: CONSPIRACY TO VIOLATE CIVIL RIGHTS

73. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 61 of this Complaint as though fully set forth herein.
74. As a direct and proximate result of the malicious, wanton and willful acts of defendant Police Officers O'Connor, Barker and Leon-Resto, who separately, in concert and in agreement with each other, conspired to deprive the plaintiff of his federal and state civil rights, as follows:
- a. by conspiring to violate the plaintiff's Fourth Amendment Rights, and rights secured to the plaintiff by Articles I and XIV of the Declaration of Rights of the Massachusetts Constitution;
 - b. by conspiring to engage in the cover up of the illegal arrest and imprisonment;
 - c. by conspiring to engage in the cover up of the use of excessive force;
 - d. by conspiring to engage in a cover up, and otherwise abusing process;
 - e. by conspiring to retaliate against the plaintiff for the exercise of his First Amendment Rights.
75. The plaintiff is thereby entitled to damages and relief pursuant to 42 U.S.C. Sections 1983 and 1988.

COUNT VI: ABUSE OF PROCESS

76. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 61 of this Complaint as though fully set forth herein.
77. As a direct and proximate result of the deliberate and intentional acts of defendant Police Officers O'Connor, Barker and Leon-Resto, acting under color of law, the plaintiff was damaged by the defendants when they acted with malice and without legal justification, and otherwise used the lawful authority vested in them as police officers to accomplish an unlawful purpose to wit: the initiation of criminal proceedings against the plaintiff with the intention of securing his conviction for any, or all of the following unlawful purposes: (1) to cover up the illegal arrest, imprisonment and use of excessive force; (2) to protect themselves from civil and criminal liability; and (3) to frustrate the plaintiff from pursuing the legal remedies available to him as guaranteed by the United States and Massachusetts Constitutions, and federal and state law; and (4) to retaliate against the plaintiff for exercise of First Amendment Rights.
78. The plaintiff is thereby entitled to damages under state common laws against abuse of process.

**COUNT VII: UNLAWFUL RETALIATION IN VIOLATION
OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION,
THE DECLARATION OF RIGHTS OF THE MASSACHUSETTS
CONSTITUTION AND 42 U.S.C. SECTION 1983**

79. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 61 of this Complaint as though fully set forth herein.
80. As a direct and proximate result of the malicious, intentional and/or reckless actions of defendant Police Officers O'Connor, Barker and Leon-Resto, the plaintiff was deprived of his rights, privileges and immunities guaranteed by the United States and Massachusetts Constitutions, in that the defendants engaged in retaliatory conduct, to wit: the illegal arrest and imprisonment, and use of excessive force, in order to chill the plaintiff from exercising his First Amendment Constitutional Rights.
81. The plaintiff was deprived of his constitutional rights, including but not limited to, the right to be free from retaliation for exercising his First and Fourteenth Amendment rights pursuant to the United States Constitution, the Equal Protection Clause of the United States Constitution, and similar provisions of the Declaration of Rights of the Massachusetts Constitution.
82. The plaintiff is thereby entitled to damages and relief pursuant to 42 U.S.C. Section 1983 and 1988.

**COUNT VIII: RECKLESS AND/OR INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS**

83. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 61 of this Complaint as though fully set forth herein.
84. As a direct and proximate result of the acts of defendant Police Officers O'Connor, Barker and Leon-Resto, the plaintiff did suffer severe emotional distress, pain and suffering, mental anguish, humiliation and embarrassment of such severity and nature that no reasonable person could or should be expected to endure. The defendants knew or should have known that their acts would cause such emotional distress, pain and suffering, mental anguish, humiliation and embarrassment. Further, said emotional distress, pain and suffering, mental anguish, humiliation and embarrassment were recklessly and/or intentionally inflicted.

COUNT IX: UNCONSTITUTIONAL POLICY OR CUSTOM/GROSS NEGLIGENCE

85. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 61 of this Complaint as though fully set forth herein.
86. The defendants City of Springfield and Chief of Police Paula Meara, through their officers and/or agents, and pursuant to an unconstitutional custom or policy, have failed to adequately train, supervise, investigate, control and discipline Springfield Police Officers. This deliberate indifference has been grossly negligent amounting to deliberate indifference to the rights of citizens.

87. With the knowledge of and under the direction of the defendants City of Springfield and Chief of Police Paula Meara, the Springfield Police Department and its individual members, acting under color of law, have engaged in a pattern of conduct which was the moving force that caused the violations of the plaintiff's constitutional and statutory rights. The defendants City of Springfield and Chief of Police Paula Meara, pursuant to an unconstitutional custom or policy, failed to adequately hire, train, supervise, control, investigate and discipline the defendant police officers who denied plaintiff Matthew J. Natle his rights as guaranteed by the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution, as well as, the Massachusetts Constitution.
88. The defendants City of Springfield and Chief of Police Paula Meara have been grossly negligent and deliberately indifferent in the training of police officers. The municipal policy makers have failed to provide minimally acceptable standards of training or instruction to police officers in contemporary and up-to-date law enforcement standards, policies and procedures, in a number of key areas of law governing the laws of arrest, the laws governing probable cause to arrest and prosecute, the laws of search and seizure, the laws of the use of force, constitutional rights of citizens, and civil liability of police officers.
89. The official policy, custom and/or usage of the defendants City of Springfield and Chief of Police Paula Meara, through their officers and/or agents, is unconstitutional insofar as it dictates, encourages and/or permits police officers of the Springfield Police Department to violate the rights of citizens.
90. The official policy, custom and/or usage of the defendants City of Springfield and Chief

of Police Paula Meara, through their officers and/or agents, violates the Constitution of the United States and the Commonwealth of Massachusetts and caused the violations of the constitutional rights of the plaintiff as alleged in this Complaint.

91. The plaintiff is thereby entitled to damages under the United States Constitution, 42 U.S.C. Sections 1983 and 1988, M.G.L. Chapter 12, Section 11I, M.G.L. Chapter 258, Section 4, and other state laws including the Massachusetts Constitution.

COUNT X: NEGLIGENCE/ MASSACHUSETTS TORT CLAIM

92. The plaintiff hereby incorporates by reference the allegations of Paragraphs 1 through 91 of this Complaint as though fully set forth herein.
93. The acts of each defendants were negligent at the very least.
94. Therefore the defendant City of Springfield is liable to the plaintiff for damages pursuant to M.G.L. Chapter 258, Section 4.

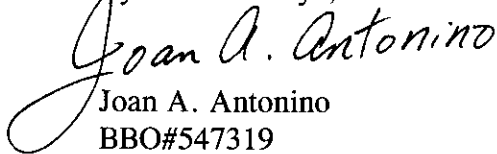
WHEREFORE, plaintiff Matthew J. Natle requests that this Court enter judgment on his behalf and:

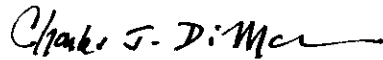
1. Award appropriate compensatory damages to plaintiff Matthew J. Natle from the defendants jointly and severally in an amount to be determined by the Court;
2. Award punitive damages to plaintiff Matthew J. Natle from defendants Dennis O'Connor, Steven Barker, and Daniel Leon-Resto in an amount to be determined by the court;
3. Award the plaintiff interest, costs and attorneys' fees;
4. Award such other relief as this Court deems just, equitable and appropriate.

THE PLAINTIFF HEREBY DEMANDS A JURY TRIAL

DATED: March 11, 2005

Respectfully submitted,
The Plaintiff
By His Attorneys,


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BBO#547319


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JS 44
(Rev. 07/86)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

MATTHEW J. NATLE

DEFENDANTS

DENNIS O'CONNOR

STEVEN BARKER

DANIEL LEON-RESTO

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Franklin
(EXCEPT IN U.S. PLAINTIFF CASES)

Chief of Police PAULA MEARA, and
The City of Springfield Hampden
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Federal Bar No. 547319; 124820
Joan A. Antonino & Charles J. DiMare
ANTONINO & DIMARE
P.O. Box 3333, Amherst, MA 01004
(413) 549-5330

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

Title 42

USC 1983

Cause of Action

False Arrest & Imprisonment, Use of Excessive Force, Malicious Prosecution, Abuse of process, Assault & Battery, Emotional Distress, Municipal Liability.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Food & Drug <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal <input type="checkbox"/> 423 Withdrawal PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC (405(g)) <input type="checkbox"/> 864 DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rate s/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organization <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matter <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights		

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/11/05

SIGNATURE OF ATTORNEY OF RECORD

Joan A. Antonino

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Matthew J. Natle v. Springfield Police Officer Dennis O'Connor
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 8(a)).
- X I. ~~260, 310, 470, 535~~ R.23, REGARDLESS OF NATURE OF SUIT.
- X II. 195, 368, 400, 440, 441-444, 540, 550, 625, 710, 720, 730, 740, 790, 791, 820, 830, 840, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 8(e)).
N/A
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? No
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? No
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? (SEE 28 USC 2403)
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? No
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - SEE LOCAL RULE 8(c). YES
OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? - SEE LOCAL RULE 8(d). YES X
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES X
(a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? Western
9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? Western
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION N/A OR WESTERN SECTION N/A

(PLEASE TYPE OR PRINT)

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